

**THE VIRGINIA BOARD FOR
ASBESTOS, LEAD AND HOME INSPECTORS
MEETING MINUTES**

The Virginia Board for Asbestos, Lead and Home Inspectors met on November 5, 2008, at the offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia.

The following members of the Board were present:

Christopher Chapman
Keith F. Cronan
Dolores Daniels
Frederick Heppner
Bowen Hyatt
Brian Koepf (arrived at 9:20 a.m.)
Thomas Joel Loving
Howard D. Varner

Board members Clayton Sinyai and Vicki Harlow were not present at the meeting.

The following staff members were present for all or part of the meeting:

Jay W. DeBoer, Director
Mark Courtney, Deputy Director of Licensing and Regulation Division
David Dick, Executive Director
Justin Garofalo, Board Administrator
Earlyne Perkins, Legal Analyst
Michelle Gowen, Administrative Assistant

Others who attended the meeting included:

Gerald Simon (Respondent)
John McNally, Esquire (Attorney for Respondent)

Elizabeth Peay was present from the Office of the Attorney General.

Mr. Heppner, finding a quorum of the Board present, called the meeting to order at 9:00 am.

Call to Order

The Board approved the agenda by consensus.

Approval of Agenda

Mr. Hyatt moved to approve the following minutes:

**Approval of
Minutes**

August 13, 2008, Board Meeting Minutes;
August 14, 2008, IFF Minutes; and
September 23, 2008, Informal Fact-Finding Conference.

Mr. Cronan seconded the motion which was unanimously approved by members: Chapman, Cronan, Daniels, Heppner, Hyatt, Loving, and Varner.

There were no comments made to the Board.

Public Comment
Period

In the matter of **File Number 2008-01120 – Gerald Simon**, the Board members reviewed the record which consisted of the investigative file, transcript and exhibits, and Summary and Recommendation from the Informal Fact-Finding Conference. Mr. Gerald Simon and his attorney, John McNally, were present and addressed the Board.

File Number 2008-
01120, Gerald
Simon

Mr. Varner moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, which cites a violation of 18 VAC 15-20-410.C of the Board's regulations. Mr. Loving seconded the motion which was unanimously approved by members: Chapman, Cronan, Daniels, Heppner, Hyatt, Loving, and Varner.

Ms. Perkins informed the Board that there was a correction needed to the Report of Findings to correctly identify the expiration date of Mr. Simon's license as December 31, 2008. Mr. Varner moved to reject the recommendation of the Presiding Officer and amend the recommended sanctions and impose a \$500.00 fine for the violation of 18 VAC 15-20-410.C. Ms. Daniels seconded the motion which was approved by members: Chapman, Cronan, Daniels, Hyatt, Loving, and Varner. Mr. Heppner voted in opposition of the motion. As the reviewing Board member, Mr. Hyatt was not present during the discussion or vote.

In the matter of **File Number 2008-04794– Michael Norton** the Board members reviewed the record which consisted of the application file, transcript and exhibits from the IFF and the Presiding Officer's summary and recommendation.

File Number 2008-
04794, Michael
Norton

Mr. Cronan moved that the Board accept the Presiding Officer's Summary and Recommendation to approve Mr. Norton's application for an asbestos supervisor license. Mr. Hyatt seconded the motion which was unanimously approved by members: Chapman, Cronan, Daniels, Heppner, Hyatt, Loving, and Varner.

Brian Koepf arrived at 9:20 a.m.

**Arrival of Board
Member
Other Business**

Mr. Dick updated the Board on the Home Inspector Proposed amendments.

Mr. Garofalo provided the Board members with a draft of the education pamphlet prepared by staff which will be provided to asbestos and lead workers and supervisors, written both in English and Spanish.

Mr. Dick informed the Board that the PPG amendments approved by the Board at its last meeting became effective October 15, 2008.

The Board members were provided with a memo from Sharon Sweet describing the outcome of the RFP for lead based paint abatement examination services.

The Board members took a break from 9:46 a.m. to 9:58 a.m.

Mr. Courtney provided the Board members with training on the roles and responsibilities of Board members.

The following meeting dates have been scheduled.

**Future Meeting
Dates**

- February 4, 2009
- May 13, 2009
- August 12, 2009
- November 4, 2009

The Board members completed their conflict of interest forms and travel vouchers.

**Conflict of Interest
Forms and Travel
Vouchers**

There being no further business to conduct, the meeting adjourned at 10:27 A.M.

Adjournment

Frederick Heppner, Chair

Jay W. DeBoer, Secretary

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